

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Eugene McAllister #1236974)
(full name) (Register No.))

Plaintiff(s).

Case No. _____

v.

Officer Eddie Boyd Ferts. P.D.)
(Full name))

Defendants are sued in their (check one):

"K-9" unit Robert Dean, St. Co. P.D.)
and Percich and Jackson St. Co. P.D. et al.)

____ Individual Capacity

____ Official Capacity

☒ Both

Defendant(s).

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): South Central Correctional Center,
255 W. Hwy. 32 Licking, MO 65542-9069

II. Parties to this civil action:
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Eugene McAllister Register No. 1236974
Address S.C.C.C. 255 W. Hwy. 32 Licking, MO-
65542-9069 "Dept. of Corr."

B. Defendant Officer-Eddie Boyd, FERTUSON, P.D.
222 S. Florissant, MO 63135 et al.
Is employed as Fertuson Police Department, Fertuson, MO
222 S. Florissant Rd. Florissant, MO 63135

For additional plaintiffs or defendants, provide above information in same format on a separate page.

See Attached - Additional "Defendants".
(11-1-___).

- III. Do your claims involve medical treatment? Yes ☒ No ☐
- IV. Do you request a jury trial? Yes ☒ No ☐
- V. Do you request money damages? Yes ☒ No ☐
- State the amount claimed? \$ 250,000 / 250,000 (actual/punitive) ☒ ☒

VI. Are the wrongs alleged in your complaint continuing to occur? Yes ☒ No ☐

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes ☒ No ☐

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? Yes ☐ No ☒

"Have Explanation why!"

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

Filed Complaint/Grievance up to (15 days) of being Locked up.
No - Answer from both parties. Was Transferred 2-Timer
Filed § 610 R.S. Mo. - No Answer back. Filed another and Appeal
complaint. Now Filing § 1983... Did all I Could do.

D. If you have not filed a grievance, state the reasons.

See Attached "I.D." to this Question. ↑

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes ☐ No ☒

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes ☐ No ☒

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: _____ NONE
(Plaintiff) (Defendant)

(2) Date filed: _____ NONE

(7-D) Answer TO "Grievance Process"

Filed a Complaint/Grievance on
February 5, 2011, But Got NO Answer
back... WAS Transferred to ~~St. Louis~~
St. Louis County (Justice Center in Clayton, Mo)
Got NO Answer back... complaint/Grievance
sent April 12, 2011

WAS Transferred to (D.O.C.-Diagnostic)
complaint/grievance sent May 2, 2012
Center

Got no Answer back.

Transferred to (S.C.C.C.)-"D.O.C."
Still no Answer from the Parties.

Filed multiple sunshine request.

* So I then filed another Complaint
Notarized by Case Worker at S.C.C.C.
NO-Answer Filed it on 9/10/2013

Will send
response
at a later
date.

- Filed an (APPEAL on 10/3/2013)
Certified Return Receipt. → Ferguson P.D.: 7005 1820-
phone call -
0007 0213 4789 St. Louis County P.D.: 7005 1820 0007 0213 4772 - Denied Appeal
Now A § 1983 being filed.

- (3) Court where filed: NONE
- (4) Case Number and citation: NONE
- (5) Basic claim made: NONE
- (6) Date of disposition: NONE
- (7) Disposition: NONE
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: NONE
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

On the date and time of (Jan. 26, 2011) in the St. Louis Co. Area, I-70, the defendants - OFFICER Eddie Boyd of Ferguson Police Department et al, was and is an OFFICER who was part of a CAR-Chase with 5-Occupants, One "Eubene McAllister" being one of the Occupants whom was chased and Apprehended by BOYD and other "Law Enforcements". And; OFFICER "K-9" wit - Robert Dean of St. Louis Co. - P. Dept. whom after converging upon the Vehicle with Occupants/Suspects inside - Surrendering was Abducted From Vehicle by "Cruel and Unusual Punishment" 8th Amendment Violation in that of (Excessive Use of Force) by;
"See Attached to this Claim"

- B. State briefly your legal theory or cite appropriate authority:

Plaintiff Claims are one of "8th Amendment Violations" and of "CRUEL AND UNUSUAL PUNISHMENT"; A Civil Rights Violations by ONE(S) Acting under the COLOR OF LAW... Causing Physical-Severe Injuries to Limbs and body and Suffering...

All OFFICERS Involved are in Violation of Plaintiffs 1st and 5th and 14th Amendments and Rights by Grievance Procedures - Due Process and involves an Equal Protection Violation and is one of Civil Rights and U.S. Constitutions Afforded by Law to Plaintiff.

"See Attached"

(9-A/B)

(5)

Continued:

IX. Statement of Claim pg.(2)

(A) On the above date and time (Jan. 26. 2011) I Plaintiff and 4 other Occupants were driving in the St. Louis Co. Area, and was eventually being hailed by a "Ferguson-P.D. Cruise unit". When the driver of the vehicle I were in failed to stop for that officer. He then "unknownst" to the other occupants, decided to Run-Forit. After a Chase ensued, the Vehicle was finally stopped by the Officer and other officers of St. Louis Co-P.D. while all Occupants remained seated in the Vehicle with "Hands-Up". Police then converted upon the Vehicle and started to bust out the windows of the Vehicle, and Ferguson-P.D. was trying on my side of the Back-Passenger side to bust out windows and thus succeeded. Opening the doors by reaching inside. Thus it is safe to say there was No threat to them. All of the "Occupants" had their Hands-Up and I-Petitioner started yelling (I give - I give - I give up!) But the Officer started to grab me and pull me and punching me in the head and face and body. But the Officer was standing in the door between myself and other Officers on my side of the Vehicle. At that, I-Petitioner was still yelling I-give up! That's when that officer started yelling and screaming! I still had my hands up and then I noticed the officers moved out of the way

IX (A) Continued: pg(3)

An officer Called out "Lause" "Laur" Let him go! Somethink to that Affect... then that officer moved and then thats when the "DOB" Jumped in on Me and Started to biting My Arms and head and then my ~~Legs~~ Legs. He then Grabbed My hand and My Finger and bit straight through My Small Finger Ructuring a hole and breaking the Finger bone and Pulled me out with other Police Pulling and Punching Me in the head and body. I was then thrown to the ground and Pounced on by Police and Cuffed But at every Stage I was yelling "I-give/I-give/I-give! This almost made me Pass out and the Pain was overwhelming. Finally I was taken to Medical and operated on... 8th Amendment Violation has Occurred due to "Excessive Use of Force" by by Ferguson-P.D. and "K-9" unit Robert Dean of St. Louis County P.D. officers Named in Caption E.t. al. Evidence exists that would Refute Officers Version of the Actual Incident and their Rendition of the (APrehension-Abstraction) of this Plaintiff on Jan. 26, 2011.

Plaintiff States that *Medical Records* as well exists to verify Injury and Force used by those Officer-defendants. Jury Trial Demanded.

(7)

* Other Witnesses are available for Plaintiff as well.

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IX (B) Continued: Statement of Claim;

(B) Legal theory-Authority:

Plaintiff States that an 1st Amendment Violation has occurred in that he is being thwarted and disregarded in filing his "ORIGINAL" Complaint with "Ferguson and St. Louis Co. P.D." in that for the Rule of "Exhaustion", Plaintiff Filed and Attempted to File through the (U.S. Mail) a Complaint immediately after Medical-Operation took Place while at the St. Louis Co-Juvenile Facility. 15 days to be Certain that I Filed... NO Response Was Ever Given by both Parties... Plaintiff was then "Transferred" to St. Louis Co-Justice Center on Follow-Up-Charges. Again Attempted to File a Complaint and written and headlined as such but NO-Response... Again was "Transferred" to the "D.O.C." Diagnostics. NO Response was taken yet still by those officers... Again I was "Transferred" to (S.C.C.C.-Licking MO-"D.O.C.") Plaintiff again wrote under § R.S. Mo-610-Mo S. Law. they finally Responded on May 6, 2013. Again I Filed another Complaint to follow-up and no response / 9-10-2013. Now I File an Appeal Certified Return Receipt to final *Exhaust* the State Remedies... Plaintiff Feels a 1st Amendment Violation took Place and defendants Caused a breach in Statute to *Exhaustion-Remedies* Subjecting me to default in (Petition Government of Grievances)

(b) Petitioner Also States that an 5th and 14th - Amendment May have Occurred in that Due Process, And Equal Protection of the Law and those Similarly Situated has Occurred in the Present Situation. . . Defendants "Ferguson-P.D. off. Boyd et al and "K-9" unit Robert Deane et al - St. Louis Co. P.D." did Not Afford Plaintiff a Legal Process by Not Responding to his Attempts to file a Legitimate Complaint in a Timely Manner. And for them Not Protecting Plaintiff from Harm and that being "Excessive Use of Force" by Police and "K-9" unit Robert Deane St. Louis Co. P.D. When the Plaintiff had Given-up to Authorities and did State and Exclaim "I-Give/I-Give/I-Give UP" twice and allowed Plaintiff to be Attacked by other Police officers and "K-9" unit Robert-Deane. . . Thus allowing Police to tell a very different version of Events that are Not true and Causing Plaintiff to Suffer a Grave and Life threatening situation Compelled by their Anger. There was No Reason to or for Officers to use the degree of Force used on Jan. 26, 2011, on a Surrendering Suspect/Plaintiff. . . Evidence Exists that will Refute their Version and Ripe for a Jury to decide in a Civil Action.

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

(1) Cause defendants to "Answer"; (2) Order "Discovery"; (3) Find merits to Petitioners' Claims; (4) Find Petitioner "Exhausted Remedies"; (5) Find \$600,000 a.l.m.o in favor of Petitioner; (6) Find Actual & Punitive Damages; (7) And Further Relief by Court deems Relevant to Rectify and make Whole, the Plaintiff; (8) Grant declarations, witnesses.

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. UNKNOWN "Inmate" Assisted in Preparing Petition 5/1983.

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ☒ No ☐

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

Phillips N. William, P.C., Attorney At Law, 103 North Market St., Sullivan, Mo. 63556-0069
Gladden, William E., 205 N. Grand Ave., Licking, Mo. 65483-1225
Anderson & Hawn, LLC, 1330 A S. Sam Houston BLVD, Licking, Mo. 65483-2045

C. Have you previously had a lawyer representing you in a civil action in this court? Yes ☐ No ☒

If your answer is "Yes," state the name and address of the lawyer.

NO

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 15th day of October 2013

X Eugene McAllister
Signature(s) of Plaintiff(s)

Eugene McAllister

Reg. No. 1236974